

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER**

IN THE MATTER OF:

**Chris Wessels
ID #61680
Section 33
Delaware County, Iowa**

ADMINISTRATIVE ORDER

NO. 2010-AFO- 47

**TO: Chris Wessels
3053 218th Street
Earlville, Iowa 52041**


VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3) "b" and "c" and 567 IAC 65.17(17) "h" (3). Chris Wessels failed to submit an updated manure management plan (MMP) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where the confinement feeding operation is located, and to the board of supervisors of each county where the manure is to be applied, by the October 1, 2009, deadline. On April 30, 2009, Mr. Wessels was sent a notice of these requirements. On October 14, 2009, the Department sent a notice of failure to submit an updated MMP to Mr. Wessels and on December 15, 2009, Mr. Wessels was sent a notice that the matter was being referred to the Department's Legal Services Bureau for enforcement.

ORDER: Submit an updated MMP and fees within 30 days of the date the Director signs this Order. In addition, a penalty of \$3,500.00 shall be paid 30 days after the date the Director signs this Order. This penalty shall be paid to the Department, at the address listed below. \$100.00 of this amount is assessed for economic benefit from delayed preparation costs. \$1,400.00 of this amount is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$2,000.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed and Mr. Wessels was sent numerous notices of the requirement and a notice of referral by the Department.

AUTHORITY: Iowa Code §455B.109; §459.601; §459.603; 567 IAC 10.3, 65.16(3) "b" and "c", 567 IAC 65.17.

APPEAL: Iowa Code §455B.109; 561 IAC 7.4(1) A written Notice of Appeal may be filed with the Director, at the address provided below, within 30 days of your receipt of this Order. A contested case hearing will then be commenced pursuant to Iowa Code chapter 17A and 561 IAC 7. You may contact Carrie Schoenebaum, attorney for the Department, at (515) 281-0824 for more information regarding appeal procedures and resolution of this Order.

NONCOMPLIANCE: If Mr. Wessels fails to comply with this Order he may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603. Compliance with the terms of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order.



Patricia L. Boddy, Interim Director

IOWA DEPARTMENT OF NATURAL RESOURCES

502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319
VIII C.1; EPA, Carrie Schoenebaum, Ken Hessenius, Field Office I

Dated this 12 day of October, 2010